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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,575	12/29/2000	James Hermerding	042390.P9249	1629

7590

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EXAMINER

YANCHUS III, PAUL B

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,575

Applicant(s)

HERMERDING ET AL.

Examiner

Paul B Yanchus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is in response to communications filed on 4/8/04.

The rejections to claims 1-16 are respectfully maintained and reproduced below for Applicant's convenience.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Durham et al., US Patent no. 6,000,036.

Regarding claim 1, Durham et al. teaches a method of managing power in a computer system, comprising:

operating the computer system at a first CPU [column 4, lines 32-40];

receiving a first signal generated by a thermal sensor within the first CPU [column 3, line 55 – column 4, line 10 and column 4, lines 32-40]; and

resuming operation of the computer system at a second CPU [column 4, lines 40-55].

Regarding claims 2 and 3, Durham et al. teaches a system with two processing areas.

The first area starts processing instructions. When the first area reaches a temperature threshold,

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instructions directed towards the first area are rerouted to the second processing area. The second area was the least recently used processing area.

Regarding claim 4 and 10-11, Durham et al. teaches that there could be more than two areas in the system that can perform substantially the same functions [column 4, lines 28-31].

Regarding claims 5-7, Durham et al. teaches a method of managing power in a computer system, as described above. Therefore, Durham et al. also teaches a system which performs the method.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durham et al., US Patent no. 6,000,036, in view of Applicant's Admitted Prior Art [AAPA].

Durham et al., as described above, teaches a method and system for managing power in computer system. Durham et al. does not explicitly teach a cooling system comprising a heat pipe, heat exchanger and a cooling fan. However, the AAPA teaches that a cooling system comprising a heat pipe, heat exchanger and a cooling fan is well known in the art [page 2, lines 13-20]. Therefore the advantages of using the cooling system are well known in the art and it would have been obvious to one of ordinary skill in the art to incorporate the well known cooling system disclosed by the AAPA in the system taught by Durham et al.

***Response to Arguments***

Applicant's arguments filed on 4/8/04 have been fully considered but they are not persuasive.

Regarding claims 1-16, Applicant argues that Durham does not disclose or suggest a first CPU being active until reaching a predetermined power threshold and a second CPU becoming active upon the first CPU reaching the predetermined power threshold. Specifically, Applicant argues that Durham does not disclose or suggest a second CPU. However, Durham teaches a processing circuit with two distinct neighborhoods or areas of functional units which are typically found in a typical microprocessor. These two neighborhoods perform substantially the same function [column 3, lines 20-55]. Since each neighborhood individually is able to perform the functions of a microprocessor or CPU, each neighborhood can be interpreted to be a microprocessor or CPU. Therefore, Durham does suggest a processing circuit with a first CPU and a second CPU. When it is detected that the first CPU [first area] exceeds a predetermined power threshold, instructions that are to be processed by the first CPU are instead processed by the second CPU [another area, column 4, lines 12-60]. The rejections to claims 1-16 are respectfully maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B Yanchus whose telephone number is (703) 305-8022. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Yanchus  
June 16, 2004



**REHANA PERVEEN  
PRIMARY EXAMINER**